

SANTA MONICA MOUNTAINS CONSERVANCY

RAMIREZ CANYON PARK
5750 RAMIREZ CANYON ROAD
MALIBU, CALIFORNIA 90265
PHONE (310) 589-3200
FAX (310) 589-3207

Agenda Item V(j)
MRCA
05/02/07



March 26, 2007

Building and Safety Commission
City of Los Angeles
201 North Figueroa Street, Suite 1050
Los Angeles, California 90012

**Los Angeles International Golf Club
Big Tujunga Wash - CPC 96-0242 CU
Condition Non-Compliance**

Dear President Brown and Commissioners:

The Santa Monica Mountains Conservancy and its joint powers partner, the Mountains Recreation and Conservation Authority (MRCA) have been integrally involved with the Big Tujunga Wash golf course project since 1989. Unfortunately, the golf course project has been out of compliance with the City's approvals since the day grading commenced for the course. Neither the public nor the ecosystem has been compensated for the project's ongoing compliance deficiencies. It is clear now that the golf course will not meet even substantial compliance with the revised conditions adopted by the City Council in 2005. The only equitable remedy for the public is to suspend the golf course's temporary Certificate of Occupancy on April 18, 2007 unless the owner aggressively agrees to explicit revised conditions, milestones and penalties.

The current economic status of the facility should have no bearing on permit or CEQA mitigation measure enforcement. Project opponents expressed from day one to the City that the project would not be profitable. It is becoming more apparent every day that the golf course owner intends to propose a resort facility on the large, abutting parcel on the south side of Foothill Boulevard. The public should not subsidize a private project in a scenic corridor, via years of lost opportunity, under this scenario.

Explicit Revised Conditions, Milestones and Penalties

Compensation for Lost Public Opportunity

The Conservancy is dismayed that the golf course continues to operate without allowing official public access to the required 280-acre fee simple open space dedication. Such interim official access may continue to remain problematic until the owner completes trail

segments along Foothill Boulevard and transfers some trail easements and the subject 280 acres to the MRCA. Because the delays and difficulties are not the responsibility of the public, the expected four months of additional delay (beyond April 18, 2007) should be compensated with a lost opportunity fund. Otherwise, there is no time penalty on the operator. That funding should go to the MRCA to be strictly used for trail signage (and signage upkeep) in anticipation of a July 2007 public trail and open space opening. This specific lost opportunity funding should be a minimum of \$100 a day beginning April 19, 2007. The accumulation of fees would end when the owner has completed all necessary steps to provide clear title and legal descriptions to some combination of the City and the MRCA for trail easements and the 280-acre fee simple open space dedication. In addition a maintenance endowment must be fully paid to the MRCA and the City proportionate to the amount of trail maintenance responsibility each assumes.

To compensate the public for lost opportunity prior to April 18, 2007, the conditions of approval for any extension of golf course's temporary Certificate of Occupancy must include two additional requirements pertaining to the condition of the land prior to transfer. The first condition is that the subject 280 acres be, within reason, free of all trash and debris requested by the City, the MRCA, and the California Department of Fish Game. The second condition is that the site be free and clear of all temporary (and permanent) human encampments.

Unmet Trail Construction and Dedication Condition

Project condition No. 25 states:

“Prior to the issuance of a Certificate of Occupancy, the applicant shall design and construct two (2) horse trails and a bicycling/hiking path across the site which connect from the western property boundary of the project site (Foothill Boulevard), to the eastern property boundary of the project site (near the intersection of Oro Vista and Big Tujunga Canyon Road), and one equestrian trail on Foothill Boulevard, from the property line on the north to the property line on the south, across the front of the property ...”

This condition calls for a connected trail system within the subject total golf course ownership. The current hodgepodge trail system, that the owner hopes will substantially comply with this condition, does not come close to meeting the intent or specifications of the condition. The current status of the owner controlled trail system is best described as a patch work of poorly connected trail segments. The attached aerial photo shows the existing usable trails on the property and where connections are needed.

Need for Southern Trail: The only existing pathways that connect from the western property boundary of the project site (Foothill Boulevard), to the eastern property boundary of the project site (near the intersection of Oro Vista Avenue and Big Tujunga Canyon Road) are the active boulder-strewn main channel of the wash and, secondly, a combination of the Conover Fire Road and an inadequately sloped new section of road that connects down to the wash. Neither of these east-west trails is adequate. The wash trail is too rough for bicycles, some horses, and most pedestrians. It also is subject to extreme disturbance after substantial flow events. The western origin of the Conover Fire Road is on private property not owned by the applicant. The newly graded section of road that connects the fire road to the wash is not adequately engineered for safety or durability. Because of these inherent deficiencies, the condition for two trails cannot be met without the creation of a public trail along the southern boundary of the golf course. This is the only east-west alignment that can meet the minimum trail standards for safe use by pedestrians, equestrians, and bicyclists. Because this southern trail must be multi-use (which includes bicycles) the easement should go to the MRCA.

Unfortunately, the owner has shown no interest in constructing such a trail. Nonetheless if condition No. 25 requires two trails between two points to be built to a minimum standard, then at least one of those trails must meet the minimum standard and a second trail should be constructed as close to that standard as the remaining terrain allows. The conditions of approval for any extension of the golf course's temporary Certificate of Occupancy must include a commitment for the immediate construction of a trail (to the standards in the condition) along the southern boundary of the golf course. That trail must connect from the Foothill Boulevard trail to the terminus of Tujunga Valley Street at a minimum. Aerial photographs show that the existing network of trails connect this street terminus area to the City-owned proposed equestrian staging area located at the southwest corner of Big Tujunga Canyon Road and Oro Vista Avenue. The attached aerial photograph shows this important southern trail alignment and the proposed City-owned staging area.

There do not appear to be any prohibitive topographic constraints for this critical trail section. A small slice of the existing driving range may be lost. Netting will also have to be erected to protect trail users from golf balls. One tough part of implementing this trail is the connection between the west end of this southern trail segment and the Foothill Boulevard Trail. The owner terminated construction of the Foothill Boulevard trail segment short of Wentworth Avenue and the southern property boundary as required by condition No. 25. It must be incumbent upon the owner to immediately commit in writing to building the linkage between these two trails prior to being granted a Certificate of

Occupancy or any other permits. In addition the owner must also commit in writing to immediately begin the design of this trail linkage. To protect the public, an acceptable engineered design must be completed in a set time or the golf course's temporary Certificate of Occupancy must be revoked. Expense cannot be an obstacle to fulfilling this aspect of condition No. 25.

Connecting the southern trail to Tujunga Valley Street could also be difficult at the confluence of Haines Canyon Channel with the Big Tujunga Wash. It may be that a bridge is necessary. Again, expense cannot be an obstacle to fulfilling this aspect of condition No. 25.

If a relevant party says that inadequate CEQA clearance exists for any part of this new southern trail connection between the Foothill Boulevard trail and the terminus of Tujunga Valley Street, the applicant must fund the City or the MRCA to conduct such CEQA review as the lead agency and to construct the trail in a timely manner.

Deficiencies of Conover Fire Road Trail Segment: It is probable that the owner's proposed Conover Fire Road trail system does not include adequate transferable public access from the 280-acre fee simple dedication area to Foothill Boulevard. Prescriptive rights over several private parcels does not constitute adequate fulfillment of a regional level trail condition. If it is the case that no such transferable legal access exists to Foothill Boulevard, the owner must work with concerned public agencies to construct an adequate trail connection between the Big Tujunga Wash (near Foothill Boulevard), the future public fee simple ownership area of Conover Fire Road, and the northernmost extension of the Foothill Boulevard trail. If a relevant party says that inadequate CEQA clearance exists for this short connection between the wash and the fire road, the applicant must fund the City or the MRCA as the lead agency to conduct such CEQA review and to construct the trail.

The other Conover Fire Road related trail segment that is deficient in regards to fulfilling condition No. 25 is a steep, newly graded connection between the fire road and the high terrace edge of Big Tujunga Wash. This section of trail is also shown on the attached aerial photograph. The grade on this trail is too steep for adequate public safety and to be maintained at a reasonable public cost. The combination of the terrain and need for elevation gain in this area may make it impossible to provide an adequate trail connector near the upstream terminus of the Conover Fire Road in the future public dedication area. The golf course owner must remedy this condition in a time certain manner before any permits or time extensions are granted. That remedy must start with an engineer's evaluation of how the trail grade can be substantially reduced. Circulation of a new CEQA

document may be required if the grading footprint needs to be substantially increased into habitat.

Recipient Agencies of Trail Easements

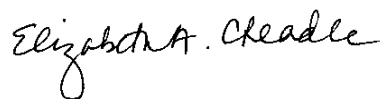
Because most the trails on the property should be available for multiple use, the Conservancy's recommendation is that MRCA receive all of the trail easements on the whole of subject property except the Foothill Boulevard trail. The Foothill Boulevard trail is being built to City standards. Most of the trails would then just be contained in fee simple open space dedication. The proposed southern trail would require a separate easement. The MRCA would need to provide adequate assurance that the Conover Fire Road would remain as a permanent emergency and high water access route for the affected community located on that side of the Big Tujunga Wash upstream.

If the City and the MRCA do accept all of the subject trail easements, then the golf course owner would need to provide funding for trail maintenance for the life of the project. The average annual cost of maintaining the trail is greatly dependent on how well they are built and engineered. In many places railing or fencing must be installed to prevent intrusion by trail users into sensitive habitats. The maintenance of the Conover Fire Road includes numerous culverts and fill areas. Altogether there will be at least a three miles of trail to maintain. Assuming that the trail construction is completed by the golf course owner to the appropriate standards, a minimum of \$15,000 annually is necessary to ensure the use and longevity of the trails, minus the Foothill Boulevard trail. That annual amount must also be accompanied by a one time \$35,000 contingency fund. The only guaranteed way for the MRCA to receive that money is if the golf course owner provides an adequate endowment amount to the MRCA prior to being provided with a Certificate of Occupancy.

We extend the services of our staff to the City to bring about these important public benefits that are years over due.

Please direct any questions to Paul Edelman of our staff at (310) 589-3200 ext. 128.

Sincerely,

A handwritten signature in cursive script that reads "Elizabeth A. Cheadle". The signature is written in dark ink and is positioned above the printed name.

ELIZABETH A. CHEADLE
Chairperson